



DOCKET FILE COPY ORIGINAL



## DALE COUNTY BOARD OF EDUCATION

OFFICE OF SUPERINTENDENT  
113 WEST REYNOLDS STREET  
P.O. BOX 948  
OZARK, ALABAMA 36361

PHONE (334)774-2355

FAX (334)774-3503

July 27, 2009

Received &amp; Inspected

AUG 10 2009

FCC Mail Room

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: Docket No. 02-6

## REQUEST FOR REVIEW

Please consider for review the appeal to USAC. Enclosed is the information submitted to USAC to request additional funding for Internet Access.

The decision of the appeal was based on the Receipt Acknowledgement Letter (RAL) was sent on January 29, 2009, with any changes requested by February 18, 2009. We did not submit any changes at that time but by April we realized the need for additional internet service on a temporary basis, up to one year. The internet service did start on June 19, 2009, but requests for funding would begin on July 1, 2009.

Please contact for any questions or correspondence:

Julie Gill  
113 W. Reynolds Street  
Ozark, AL 36360  
334-774-2355 x 228  
Fax 334-774-3503  
[jgill@dalecountyboe.org](mailto:jgill@dalecountyboe.org)

Consideration of this request is greatly appreciated.

Sincerely,

Donny Bynum, Superintendent  
Dale County Board of Education

Cc: Charter Communications

No. of Copies rec'd 2  
List ABCDE



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2009-2010**

July 16, 2009

Donny Bynum  
Dale County Board of Education  
113 West Reynolds Street  
Ozark, AL 36360

Re: Applicant Name: DALE COUNTY SCHOOL DISTRICT  
Billed Entity Number: 128130  
Form 471 Application Number: 659474  
Funding Request Number(s): 1802855  
Your Correspondence Dated: July 06, 2009

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1802855  
Decision on Appeal: **Denied**  
Explanation:

- A Form 471 Receipt Acknowledgment Letter (RAL) was sent to Dale County School District on January 29, 2009. The RAL listed allowable clerical and ministerial error corrections to the Form 471 and indicated that the deadline for submitting such corrections was February 18, 2009. The record indicates no such submittal was made. The rules of this support mechanism do not allow for an increase of a funding request subsequent to the Form 471 being committed for funding unless there was an error on the part of USAC. On appeal, you have failed to provide any evidence that USAC erred in its initial determination.
- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required

certifications" without posting new FCC Forms 470 and 471. *See* Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, *Order*, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (*Bishop Perry Order*). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. USAC has published a list of ministerial and clerical errors that can be corrected on pending applications without violating the program rules and has advised applicants to review this list before submitting corrections. *See* SLD Section of USAC web site, Reference Area, "Bishop Perry Order, List of Ministerial and Clerical Errors" at [www.usac.org/sl](http://www.usac.org/sl).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



PHONE (334)774-2355

## DALE COUNTY BOARD OF EDUCATION

OFFICE OF SUPERINTENDENT  
113 WEST REYNOLDS STREETP.O. BOX 902  
OZARK, ALABAMA 36361

FAX (334)774-3503



July 6, 2009

*Handwritten:*  
Mailed  
7/6/09

USAC

Letter of Appeal

Schools and Libraries Division-Correspondence Unit

100 South Jefferson Road

P. O. Box 902

Whippany, NJ 07981

To Whom It May Concern:

I would like to appeal the decision of the Funding Commitment Decision Letter:

Form 471 Application Number: 659474

Billed Entity Number: 128130

Funding Request Number: 1802855

Service Provider: Charter Communications

SPIN Number: 143005817

To appeal the amount approved of \$495.00.

Our School Board recently acquired approximately 1500 computers that are in a storage facility located near the Board of Education office. The computer technician needs internet connection to be able to set up the computers to have them ready to install in the school classrooms. On June 16, 2009, we contracted with Charter Communications for month to month service of 20M speed internet at a base price of \$244.99 a month, with service expected to be for 12 months.

The need for this internet service was not realized until after the 470 had been submitted for E Rate Year 12 (2009-2010) and service was started on June 19, 2009.

I would like to request \$2939.00 be added to the original pre-discount amount of \$660.00 for a total of \$3599.00. An entity number for the storage facility will be requested from SLD if this appeal is approved.

Please contact for any questions or correspondence:

Julie Gill  
113 W. Reynolds Street  
Ozark, AL 36360  
334-774-2355 x 228  
Fax 334-774-3503  
[jgill@dalecountyboe.org](mailto:jgill@dalecountyboe.org)

Consideration of this request is greatly appreciated.

Sincerely,



Donny Bynum, Superintendent  
Dale County Board of Education

Cc: Charter Communications

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2009: 07/01/2009 - 06/30/2010)

June 30, 2009

Julie Gill  
DALE COUNTY SCHOOL DISTRICT  
113 W REYNOLDS ST  
OZARK, AL 36360

Re: Form 471 Application Number: 659474  
Billed Entity Number (BEN): 128130  
Billed Entity FCC RN: 0012244224  
Applicant's Form Identifier: Internet12

Thank you for your Funding Year 2009 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$495.00 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 659474 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2009," AND
  - The exact text or the decision that you are appealing.

FUNDING COMMITMENT REPORT  
Billed Entity Name: DALE COUNTY SCHOOL DISTRICT  
BEN: 128130  
Funding Year: 2009

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 659474  
Funding Request Number: 1802855  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 487990000706123  
SPIN: 143005817  
Service Provider Name: Charter Communications  
Contract Number: MTM  
Billing Account Number: 8781 15 031 0035960  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2009  
Service End Date: 06/30/2010  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 16028519  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$660.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$660.00  
Discount Percentage Approved by the USAC: 75%  
Funding Commitment Decision: \$495.00 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MRI: The discount for MIDLAND CITY  
ELEMENTARY SCHOOL was increased based on the requested discount in Form 471  
application 645329 which was filed by ALABAMA SUPER COMPUTER AUTHORITY.

FCDL Date: 06/30/2009

Wave Number: 010

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010



## BUSINESS INTERNET SERVICE AGREEMENT

This Service Agreement ("Agreement") is made on Tuesday, June 16, 2009 ("Effective Date") by and between Charter Communications, LLC, ("Charter Business" or "Charter") with local offices at 1925 Breckinridge Plaza, Suite 100 Duluth GA 30096 and DALE COUNTY BOARD OF EDUCATION / OFFICE, ("Customer") with offices located at 264 N Union Ave, Ozark AL 36360-1435.

Both parties desire to enter into this Agreement in order to set forth the general terms under which Charter is to provide Customer with Charter's services ("Service" or "Services") to Customer site(s), the scope and description to be specified per site below, which shall be incorporated in this Agreement upon execution. This Agreement will be effective after presentation by Charter to and electronic acceptance by Customer.

### SERVICE ORDER

Under the Business Internet Service Agreement

#### CUSTOMER INFORMATION:

Account Name: DALE COUNTY BOARD OF EDUCATION / OFFICE

Invoicing Address: 113 WEST REYNOLDS ST, OZARK, AL 36360

Invoicing Special Instructions:

Customer Federal Tax ID#:

#### SITE-SPECIFIC INFORMATION:

Order Type: New Customer

Service Location (Address): 264 N Union Ave, Ozark, AL 36360-1435

Non-Hospitality or Non-Video

Customer Contact Information. To facilitate communication the following information is provided as a convenience and may be updated at any time without affecting the enforceability of the terms and conditions herein:

#### Site Contact

Name: JULIE GILL

Phone: (334) 774-2355 EXT 228

Email: Address

#### Technical Contact

Name

Phone

Email Address

### MONTHLY SERVICE FEES:

#### Video Services:

Video Service: \$0.00

Premium Video Channels:

Total Number of Video Boxes:

Additional Monthly Outlet Fee:



**Music Services:**

Music Choice:

**Data Services:**

Base Service \$244.99

Speed: CB Data - 20M Down / 2M Up (Down/Up)

CPE:

Custom Service

DNS Hosting:

Domain Name:

Web Storage Upgrades: -

Domain Aliases:

Additional E-mail Accounts: -

IP Options

Additional Dynamic IPs: None (max of 12 for total of 15)

Dynamic Permanent Leases: (up to total number of Dynamic IPs)

Static IP Package:

Static IP Addresses:

Additional Services

CB Security Service:

CB Back-Up Service:

Selected Version Retention Quantity:

Storage Tier Selected:

CB Managed Internet Router: No

Other Services Provided:

Equipment Rental Detail:

Monthly Construction Fee:

(For Charter internal purposes only - Campaign Source (if applicable): )

**ONE-TIME CHARGES:**

Additional Outlets to Install:

Wall Fishes:

Other Services Provided:

One-Time Construction Fee:

One-Time Standard Installation Fee: \$99.00

**TOTAL FEES**

Total Monthly Service Fees of \$244.99 are due upon receipt of the monthly invoice.

Total One-Time Charges of \$99.00 are included in the first monthly invoice.

**SERVICE PERIOD.** The initial Service Period of this Service Order shall begin on the date installation is completed and shall continue for a period of 1 months.

Upon expiration of the initial term, this Service Order shall automatically renew for successive one-month terms unless either party terminates this Service Order by giving thirty (30) days prior written notice to the other party before the expiration of the current term.

**CONFIDENTIALITY.** Customer hereby agrees to keep confidential and not to disclose directly or indirectly to any third party, the terms of this Service Order or any other related Service Orders, except as may be required by law. If any unauthorized disclosure is made by Customer and/or its agent or representative, Charter shall be entitled to, among other damages arising from such unauthorized disclosure, injunctive relief and a penalty payment in the amount of the total One-Time Charges associated with this Service Order, and Charter shall have the option of terminating this Service Order, other related Service Orders and/or the Service Agreement.

NOW THEREFORE, Charter and Customer agree to the terms and conditions of this Agreement, including the Standard Terms of Service which are posted to the Charter website, [www.charter-business.com](http://www.charter-business.com), which Customer acknowledges and agrees that Customer has read. Customer's continuous use of the Service(s) after the implementation of any change(s) to the Standard Terms of Service, which may change from time to time, shall reflect Customer's agreement thereto. Customer shall have the right to terminate this Service Order in the event Customer objects to any material change to the Standard Terms of Service that adversely affects Customer's rights under this Agreement by providing Charter with written notice within sixty (60) days of such change and provided that Customer pays any unpaid or previously by waived one-time charges.

Customer accepts and executes this Agreement by its duly authorized representative, and Customer understands that such electronic acceptance on Customer's behalf on this unilateral contract shall bind Customer and Charter to the terms hereof and that signature by an authorized representative of Charter is not necessary to effect the agreement of the parties hereto provided that this Agreement has been completely filled out by Charter prior to presentation to Customer.

Charter Business Account Executive:  
Name: [erwin.carranza@chartercom.com](mailto:erwin.carranza@chartercom.com)  
Telephone:  
Sales Code:  
Fax:

In order to accept the terms and conditions of this contract as well as all of those described on the Charter-Business.com Terms and Conditions page, please enter your name and title and select the "Accept" button. If you choose to decline this contract, please enter your name and title and select the "Decline" button.

Name:  
Title:

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Security Code: 5485

Statement of Service

June 19, 2009



DALE COUNTY EDU OFFICE

8781 15 030 0202703

(334) 774-2355

online at [www.Charter-Business.com](http://www.Charter-Business.com)

Customer Service 800-314-7195

24 hours/day - 7 days/week

Account  
Phone Number  
Contact Us

Inv. # CC 7210 0609

### Account Information

Thank you for choosing Charter Communications.  
We appreciate your prompt payment and value you  
as a customer.

### Expect more from Charter Business\*

Refer-a-Business program makes it easy to save on  
your bill. Simply refer a business and we'll do the rest.  
If the referred signs up with Charter Business, you  
both get a \$50 credit toward your next Charter  
Business bill. For full details and to refer, go to  
[www.Charter-Business.com/BusinessReferral](http://www.Charter-Business.com/BusinessReferral).

### Summary

details on following pages  
Service from 06/18/09 through 07/17/09

Previous Balance	0.00
Payments Received	0.00
Balance Forward	0.00
Charter Internet Services	343.99
<b>Total Due by 07/09/09</b>	<b>\$343.99</b>

11-5-2190-369-8210-6001-0-3210-0003

BATCH # 2603

SEQ. # 0050



8781 1500 CO RP 19 0000338 06202009 NNNNNY

June 19, 2009

Page 3 of 5

Account  
Contact Us

**DALE COUNTY EDU OFFICE**  
**8781 15 030 0202703**  
online at [www.Charter-Business.com](http://www.Charter-Business.com)  
Customer Service 800-314-7196  
24 hours/day - 7 days/week

Thank you for choosing Charter Communications.

### Charge Details

Previous Balance	\$0.00
<b>Balance Forward</b>	<b>\$0.00</b>

Payments received after 06/19/09 will appear on your next bill



### Charter High-Speed Internet

Jun 19	CB Internet Install	99.00
	<b>One-time Charges</b>	<b>\$99.00</b>

Jun 18 - Jul 17	CB 20m Down / 2m Up	240.00
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Jun 18 - Jul 17	CB Static IP	4.99
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<b>Monthly Charges</b>	<b>\$244.99</b>
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<b>Charter Internet Services Total</b>	<b>\$343.99</b>
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<b>Total Due by 07/09/09</b>	<b>\$343.99</b>
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✓

BATCH # 2603

SEQ. # 0050